

Decision 02-07-012 July 17, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation Into Southern California Edison Company's Electric Line Construction, Operation and Maintenance Practices.

Investigation 01-08-029  
(Filed August 23, 2001)

**ORDER EXTENDING STATUTORY DEADLINE**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why the deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is August 22, 2002.

A October 24, 2001 Assigned Commissioner and Administrative Law Judge (ALJ) Scoping Memo set this matter for evidentiary hearings in February 2002, with the Presiding Officer's decision due no later than June 11, 2002. On November 19, 2001, Southern California Edison Company (Edison) filed a Motion to Compel Discovery and a Motion for Extension of its Filing Deadline. Subsequently, both Edison and the Commission's Consumer Services Division (CSD) stipulated to a three-week extension of Edison's filing deadline, and a subsequent ruling extended this period until mid-February, so that the parties could fully brief and the Commission decide the motion to compel prior to Edison serving its proposed testimony.

By ruling dated January 28, 2002, the Assigned Commissioner and ALJ resolved Edison's motion to compel. Because the ruling required CSD to produce additional information to Edison, the ruling again revised the schedule such that the Presiding Officer's decision would not issue until September 2002, more than one year after this proceeding's initiation.

On February 4, 2002, Edison filed a petition for writ of mandate in the California Court of Appeal. On February 6, the Second Appellate District, Division Eight, issued an order staying this investigation pending further order of the court. The Commission thereafter removed the scheduled hearings from its calendar.

On February 28, 2002, the Second Appellate District denied Edison's petition and dissolved its order staying this proceeding. On March 1, the Assigned Commissioner and ALJ issued a ruling setting evidentiary hearings for June and July, with the Presiding Officer's decision due no later than October 25, 2002.

On May 25, 2002, Edison and CSD believed that settlement prospects were sufficiently promising that they requested a 60-day schedule extension for the parties to discuss settlement. On May 30, 2002, an Assigned Commissioner and ALJ ruling issued, giving the parties until July 22, 2002, to complete a settlement agreement, and establishing a revised schedule should the parties fail to reach a settlement. Under the revised schedule, the Presiding Officer's decision should issue no later than December 30, 2002. Due to the above series of events, there is insufficient time to resolve this proceeding before the 12-month statutory deadline runs.

Under Rule 77.7(f)(4) of the Commission's rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment

of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

### **Findings of Fact**

1. The proceeding was initiated on August 23, 2001.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before August 22, 2002, unless the date is extended.
3. Because of (1) the time extensions requested by the parties and granted by the Commission in order resolve discovery disputes and respond to discovery requests; (2) the Court of Appeal's stay of this proceeding; and (3) the parties' joint request for an extension of time so that they could conduct settlement negotiations, there is insufficient time to resolve this proceeding before the 12-month statutory deadline runs.
4. Pubic review and comment regarding today's decision should be waived.

### **Conclusions of Law**

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended until further order.

## **O R D E R**

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding, August 22, 2002, is extended until further order.

This order is effective today.

Dated July 17, 2002, at San Francisco, California.

LORETTA M. LYNCH  
President

HENRY M. DUQUE  
CARL W. WOOD  
GEOFFREY F. BROWN  
MICHAEL R. PEEVEY  
Commissioners